UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/890,908	01/11/2002	Mark Lucente	10244-006	9490

			EXAMINER
20583	7590	05/17/2006	SPOONER, LAMONT M

JONES DAY
222 EAST 41ST ST
NEW YORK, NY 10017

ART UNIT	PAPER NUMBER
2626	

DATE MAILED: 05/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 February 2006*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-9,11-19,21 and 22* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-9,11-19,21 and 22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *11 January 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments filed 2/13/06 have been fully considered but they are not persuasive.

In response to applicant's arguments, p.8, regarding claims 10 and 20, the Examiner notes that Morin teaches "providing at least one of a superlative and a comparison of the first information based on the context information, wherein the first information includes a plurality of items that can be compared with each other (C.3.line 44-C.4.line 22-his test as the comparison, which include first information grammars and trees compared with dialogue model, as the expressions and grammars include items that "**can**" be compared with each other) and as previously rejected in (C.3.lines 62-67, 67-C.4.line 1).

Claim Objections

2.   Claims 1, 4, 5, 6, are objected to because of the following informalities:

In claim 1, line 7, "the context" has unclear issues with regards to "the first statement and the first information".

In claim 1, line 9, "the context" has unclear issues with regards to "the first statement and the first information".

In claim 4, line 4, "the parsing tokens" should probably be "the one or more parsing tokens".

In claim 4, line 4, "the context" has unclear issues with regards to "the first statement and the first information".

In claim 6, line 2, "the context" has unclear issues with regards to "the first

statement and the first information".

The similar claims may contain the same issues.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4.   Claims 1, 4-9, 11-19, and 22 are rejected under 35 U.S.C. 102(e) as being

anticipated by Morin et al. (Morin, US 5,748,841).

As per **claims 1 and 11**, Morin teaches a human-machine communication

method comprising:

a server computer comprising(Fig. 1 Dialogue server-claim 11):

receiving a first statement in a natural language from a user (Fig. 3 "Paint omega,

C.3.lines 8, 9)";

generating first information based on the first statement (C.3.lines 43-51-"stored

grammars", his grammars are used for "text and ... input", the Examiner interprets this

grammar for all inputs, first or second, all inputs are associated with this grammar or

information);

storing context information of at least one of the first statement and the first

information (C.3.lines 11-15, Fig. 1 item 62 –his history handler as a memory bank,

claim 11);

optionally generating a question to be presented to the user in the natural

language based on the context information (Fig. 5-in his dialogue model his Five Top-

Level Dialogue Structures and some Examples, "sys: Playing message 1" question not

generated, "Are you sure" question generated);

receiving a second statement in the natural language from the user (Fig. 3-"paint it in

yellow");

generating second information based on the second statement and the context

information (C.3.lines 43-51-all input has grammars associated therewith, interpreted as

second information, on the second statement); and

providing at least one of a superlative and a comparison of the first information

based on the context information, wherein the first information includes a plurality of

items that can be compared with each other (C.3.line 44-C.4.line 22-his test as the

comparison, as the expressions and grammars include items that "can" be compared

with each other).

As per **claims 4 and 13**, Morin teaches claim 1, and further teaches

generating grammatical data for the first statement (C.3.lines 43-51-"stored

grammars", his grammars are used for "text and ... input", the Examiner interprets this

grammar for all inputs, first or second, all inputs are associated with this grammar or

information);

generating one or more parsing tokens based on the grammatical data (C.3.lines

55-57-the Examiner interprets parsing to generate tokens): and

storing the parsing tokens as part of the context information. (C.8.lines 8-15-

stored dialogue history, context, C.10.lines 54-60-"it" as a token from context "No paint it

red" in the dialogue history, as part of the context).

As per **claims 5 and 14**, Morin teaches claim 1, and further teaches adding,

modifying or removing the stored parsing tokens based on the second statement

(C.10.54-62-his "substituted" pronoun, Fig. 3 "Paint Omega", "Paint it yellow"-the

second statement "it" following as explained).

As per **claims 6, 7, 16 and 17**, Morin teaches claim 1, and further teaches

identifying linguistic structures in the second statement based on the context information

(C.3.lines 34-40-dialogue of natural language including his "dialogue structure", "no in

blue" as the second statement, C.54-62-linguistic structure analysis inherently in

anaphoric assessment) which

identifies and antecedent to a pronoun in the second statement, (claim 7, ibid).

As per **claims 8 and 18**, Morin teaches claim 7, and further teaches

disambiguating a homonym in the second statement (C.10.lines 66-67-"several

candidates for an input"... interpreted as a homonym, the input is interpreted as a

second statement, C.11.lines 10-15, the "finding out which one of the possible

meanings" (disambiguation thereof), Fig. 4 "Paint alpha in red"- the Examiner interprets

red being a homonym of read, past tense).

As per **claims 9 and 19**, Morin teaches claim 1, and further teaches storing and updating the context information each time a new statement in the natural language is received (C.4.lines 1-7, C.10.lines 1-25-the history interpreted as stored information).

As per **claim 12**, Morin teaches claim 11, and further teaches a client computer configured to receive a plurality of statements from the user and configured to forward the received plurality of statements to the server computer (Fig. 3-, C.5.lines 34-56-his dialogue server, Fig. 1-client computer and server).

As per **claim 15**, Morin teaches claim 13, and further teaches generating the plurality of parsing tokens based on (see claim 13), in part, timing cues of the first statement (C.6.lines 1-4, C.9.lines 54-56-his "time-out" as timing cue-processing ensues, i.e. parsing, etc.).

As per **claim 22**, Morin teaches a human-machine communication method, comprising:

receiving a first statement in a natural language from a user Fig. 3 "Paint omega, C.3.lines 8, 9;

generating first information based on the first statement (C.3.lines 43-51-stored grammars, his grammars are used for "text and ... input", the Examiner interprets this grammar for all inputs, first or second, all inputs are associated with this grammar or information);

storing context information in a system state memory that is a function of the first information (C.3.lines 11-15);

generating a database query that is a function of the first information (Fig 3. "in

which color", Fig. 5 "Are you sure" or "Who should I call", Fig. 1 "task dialogue

database");

generating database output that is a function of the database query (ibid-output

thereof);

generating second information that is a function of the database output and the

stored context information (C.4.lines 5-16-his "prediction" information generated);

storing an expectation in the system state memory that is representative of an

expected form of a statement from the user (ibid, also C.15.line 66-C.16.line 20-"no"

entered, from a list, inherently stored, all possible choices, interpreted as expected, are

displayed);

receiving a second statement in a natural language from a user (C.16.lines 8-10,

"no alpha" entered);

utilizing the expectation to comprehend the second statement (ibid-"makes

sense); and

providing at least one of a superlative and a comparison of the first information

based on th context information, wherein the first information includes a plurality of

items that can be compared with each other (C.3.line 44-C.4.line 22-his test as the

comparison, as the expressions and grammars include items that "**can**" be compared

with each other).

As per claims 11-20, the dialogue server, in Fig. 1 embodies the method

employed in the invention and thus claims 11-20 are rejected with their similar claims

above, as well as the server limitations which are in the scope of the invention.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

6.   Claims 2, 3, and 21 rejected under 35 U.S.C. 103(a) as being unpatentable over

Morin in view of Surace et al. (US 6,144,938).

As per **claims 2, 3 and 21**, Morin teaches incorporating content information

generated based on the second information into an interface (Fig. 3, C.31-36), and

dynamically generating the interface based on the content information (ibid-the interface

is acted on "progressively" thereby dynamic generation), but lacks explicitly disclosing

the interface as a web page.

However, Surace teaches having a standard interface as a web browser

(C.3.lines 59-61). Therefore, at the time of the invention, it would have been obvious to

modify Morin with Surace by having the interface as a web browser. The motivation for

doing so would have been to dialogue with a user through an appropriate interface

(C.3.lines 59-63).

As per claim 21, the dialogue server, in Fig. 1 embodies the method employed in

the invention and thus claim 21 is rejected with its similar claims above, as well as the

server limitations which are in the scope of the invention.

Conclusion

7.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

8.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Lamont M. Spooner whose telephone number is

571/272-7613. The examiner can normally be reached on 8:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Richemond Dorvil can be reached on 571/272-7602. The fax phone number

for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

lms
05/14/06

RICHEMOND DORVIL
SUPERVISORY PATENT EXAMINER